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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,820	08/18/2000	Timothy Robert Weinstock	1017-5616	7599

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EXAMINER / / /

FISHER, MICHAEL J

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 04/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/641,820

Applicant(s)

WEINSTOCK ET AL.

Examiner

Michael J Fisher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-34,45 and 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "virtually without human intervention" in claims 1,24 and 45 is a relative term which renders the claim indefinite. The term "virtually" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Claims 1,24 and 45 contain the phrase, "... virtually without human intervention." This phrase is unclear and indefinite and thus renders the scope of the claims unclear and indefinite. It would appear that either there is or is not human intervention.

Note: For examination purposes it will be assumed that there is human intervention as the term 'virtually' implies that there is some human intervention.

Claims 2-23,25-34 and 46 are rejected as depending from a rejected claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Goheen as modified by Mittal.

Goheen discloses a ticketing and reservation system (title) that works over a network (col 5, lines 5-7), and can be used for automobile rentals (abstract, 16-10), the authorized user (1) makes a reservation (60), and the reservation is processed (fig 1A), the authorized purchaser could be a business organization (travel agency, 1 in fig 1A) or a person (passenger, 1 in fig 1A), the second business organization would be the rental agency (2 in fig 1A). Billing information would be available to the purchaser (4,8 in fig 1A). The computer system saves information on the agreement in a database (fig 1A) which information is accessible by purchaser (12 in fig 1B) and configured to generate reports relating to the reservation (12 in fig 1B), this would constitute communicating messages between the purchaser and any others having access to the program. There is further a second computer system (ATM terminals) that is linked to the first system and that is related to the actual storage spots of the rental cars (they are said to be at

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the airport terminal, 12 in fig 1B, and therefore would be near the cars rented). Goheen further teaches that a human need not be involved in the final settlement of the agreement as the purchaser can receive the keys to the car at the ATM terminals (col 8, line 38-41). It would, of necessity, limit the functionality available to the service providers.

Goheen does not, however, teach using the internet, or having a computer instead of a person responding to the purchasers, or specifically discuss allowing the user to modify the agreement, or mention including vehicle repair facilities to be connected or using a WAN in the second computer system or using a GUI interface.

Using a WAN is very well known in the art, as is shown in Mittal (135) and therefore it would have been obvious to one of ordinary skill in the art to connect the ATMs to the central computer via a WAN to keep them connected to each other. It further would have been obvious to one of ordinary skill in the art to allow an automobile repair facility to access the system as they are known to need rental vehicles as so-called 'loaner cars' for customers whose repairs might take a long time would thus require a rental vehicle. Insurance agencies routinely allow rental charges for customers whose automobile will require extensive repairs and who would thus be inconvenienced by a long period without an automobile. It would have been obvious to one of ordinary skill in the art to allow the system to be used to modify the order as this is well known in the art. Customers frequently change their orders and indeed, many companies, such as airline agencies, have a fee schedule for such occurrences.

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Mittal teaches a method and apparatus for interacting with on-line services. Mittal discloses a computer (136) connected through the Internet (col 4, lines 5-6), using a GUI interface (132). It would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Goheen with the internet based, computer operated system as taught by Mittal to further automate the process of renting automobiles.

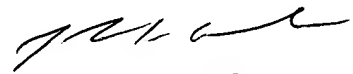
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Japanese Patent #2002-74126 to Sakura, Sakura discloses using a computer network (figs 1 and 2) for making reservations for automobiles, (Note, information is taken from the Derwent English language abstract enclosed), "Travel Web site Expedia's shares take off during initial offering" by Reeves, Reeves discloses using the Internet as a method of renting cars (paragraph 3).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Fisher whose telephone number is 703-306-5993. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

MF 
April 7, 2003


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600